



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,834	06/23/2003	Shuuichi Yatabe	02410274US	6237
7055	7590	06/02/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			KING, BRADLEY T	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,834

Applicant(s)

YATABE, SHUUICHI

Examiner

Bradley T King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the front holder having recess and the rear holder having a protruding portion as required by claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 20 requires a rear holder with an annular protruding and a front holder with an annular recess portion. The original disclosure fails to disclose these features. Instead, it appears that the original disclosure shows a front holder with a protruding portion and a rear holder with a recess.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4-8, and 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites "the inner circumferential face". There is insufficient antecedent basis for this limitation in the claims.

Art Unit: 3683

Claims 5-6 recite "a protruding portion" and "a recessing portion". It is not clear if these features are the same as the "annular recess portion" and "annular protruding portion" of claim 1 or additional features.

Claims 7-12 all recite two instances of "a forward annular chamber" and "a rear annular chamber". It is not clear each instance refers to the same chamber or if additional chambers are required.

Claim 13 recites "the valve cylinder wall". There is insufficient antecedent basis for this limitation in the claims.

Claim 14 recites "the annular valve portion faces in a same direction". It is not clear what is meant by this limitation.

Claim 15 recites "the cylindrical connecting portion". There is insufficient antecedent basis for this limitation in the claims.

Claim 15 recites "the front valve holder". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5190125.

US 5190125 discloses all the limitations of the instant claims including: a booster shell 12; a booster piston 17 accommodated inside the booster shell and partitioning the interior of the booster shell into a front side vacuum pressure chamber 16 communicating with a vacuum pressure source and a rear side operation chamber 17; a valve cylinder 18 communicating with the booster piston, the valve cylinder including: a valve piston 21 fitted into the valve cylinder to be slidable in a forward and rearward direction of the valve cylinder; an input rod 20 coupling with the valve piston at a front end thereof; a control valve 23 switching communication of the operation chamber with the vacuum pressure chamber and with air in accordance with a forward and rearward movement of the input rod between the valve piston and the valve cylinder; and an input return spring 29b for pushing the input rod backward, and the control valve including: an annular vacuum pressure introducing valve seat 18b formed in the valve cylinder; an atmosphere introducing valve seat 21a formed in the valve piston and arranged inside the vacuum pressure introducing valve seat; a valve body 22 including: an annular attaching bead portion (see figure 4) airtightly attached to the valve cylinder; an expansion cylinder portion 22b1 extending in the axial direction from the attaching bead portion; and an annular valve portion 22a communicating with a forward end portion of the expansion cylinder portion and opposed to the vacuum pressure introducing valve seat and the atmosphere introducing valve seat so as to seat thereon; and a valve spring 29a for pushing the valve portion so as to seat on the vacuum

Art Unit: 3683

pressure introducing valve seat and the atmosphere introducing valve seat, wherein a first port communicating with the vacuum pressure chamber is opened on the outer circumferential side of the vacuum pressure introducing valve seat, a second port communicating with the operation chamber is opened between the vacuum pressure introducing valve seat and the atmosphere introducing valve seat in such a manner that the inner circumferential side of the valve portion is communicated with the atmosphere, the attaching bead portion is tightly held between a pair of cylindrical holding portions formed in a pair of valve holders 131a-b attached to the valve cylinder 18, an annular recess portion (on 131a) and an annular protruding portion (on 131b) of the pair of cylinder holding portions are elastically engaged with each other (note spring 29b), and a diameter of the holding portion is smaller than the inner diameter of the valve cylinder.

Regarding claim 2, at least one 131a of the pair of valve holders is engaged on the inner circumferential face of the valve cylinder through a seal member 40.

Regarding claim 3-4, a cylindrical connecting portion engaging with an outer circumferential face of one valve holder having the holding portion for holding an inner circumferential face of the attaching bead portion is integrally formed in the other valve holder 131a having the holding portion for holding an outer circumferential face of the attaching bead portion.

Regarding claims 5-6, wherein a recessing (on 131a) and a protruding portion (on 131b) elastically engaged with each other are formed on respective engaging faces between the pair of valve holders.

Regarding claims 7-12, the valve portion 22a slidably fitted on the inner circumferential face of the valve cylinder 18, a forward annular chamber and a rear annular chamber (see figure 5) are formed in the valve cylinder, the forward annular chamber is communicated with the first port and the rear annular chamber is communicated with the second port, a forward annular chamber is closed by the front face of the valve portion when the valve portion is seated on the vacuum pressure introducing valve seat, and a back face of the valve portion is facing to a rear annular chamber (see figure 1).

Response to Arguments

Applicant's arguments filed 3/17/2005 have been fully considered but they are not persuasive. Regarding US 5190125, note the embodiment of Figure 4. Applicant's arguments are directed towards an embodiment of 5190125 that is not relied upon in the rejections above.

Conclusion

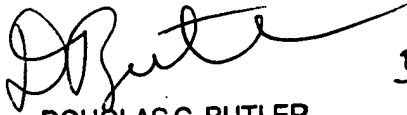
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTK

 5/31/05
DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU3683